4035

BILL NO. Z-78-05-10

ZONING MAP ORDINANCE NO. Z-

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. S-14.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a R3 District under the terms of Chapter 33, Municipal Code of the City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort Wayne Zoning Map No. S-14, referred to therein, established by Section 33-11, of said Chapter are hereby changed accordingly, to wit:

One acre of land in the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows: Beginning at a point on the North line of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, the said point being situated 276 feet West of the Northeast corner of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West, a distance of 485.1 feet; thence West, a distance of 90.55 feet thence North 10 minutes East, a distance of 485.1 feet to the North line of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the point of beginning, containing one acre of land, more or less, known as 4628 E. State Blvd., Fort Wayne, Indiana.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, approval by the Mayor and legal publication thereof.

John Stuckol
Councilman

APPROVED AS TO FORM
AND LEGALITY,
CITY ATTORNEY

Read the first time in full and on motion by J. Schmidt, seconded by Hinga, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19__, at _____ o'clock ____ M.,E.S.T.

DATE: 5-8-78

Sandra E. Kennedy
CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES					
BURNS					
HINGA					
HUNTER					
MOSES					
NUCKOLS					
SCHMIDT, D.					
SCHMIDT, V.					
STIER					
TALARICO					

DATE: _____

_____
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. _____ on the _____ day of _____, 19__.

ATTEST: (SEAL)

_____ _____
CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19__, at the hour of _____ o'clock ____ M.,E.S.T.

_____
CITY CLERK

Approved and signed by me this _____ day of _____, 19__, at the hour of _____ o'clock _____ M.,E.S.T.

_____
MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 8, 1978, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-78-05-10; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 19, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the area involved and of and to the City and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 26, 1978.

Certified and signed this
27th day of June, 1978.

Luben Lazoff

Luben Lazoff
Secretary

Withdrawn
Fred

Bill No. Z-78-05-10

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance amending the City of Fort Wayne Zoning Map No. S-14

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance Be Withdrawn PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

JOHN NUCKOLS - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD J. SCHMIDT

JAMES S. STIER

7-11-78
DATE CHARLES W. WESTERMAN, CITY CLERK

BUSINESS FORM—PRODUCT OF WILSON JONES ©

GrayLine

RECEIPT

Date April 14 19 78 No. 10139

Received From Hetrick-Patterson Associates

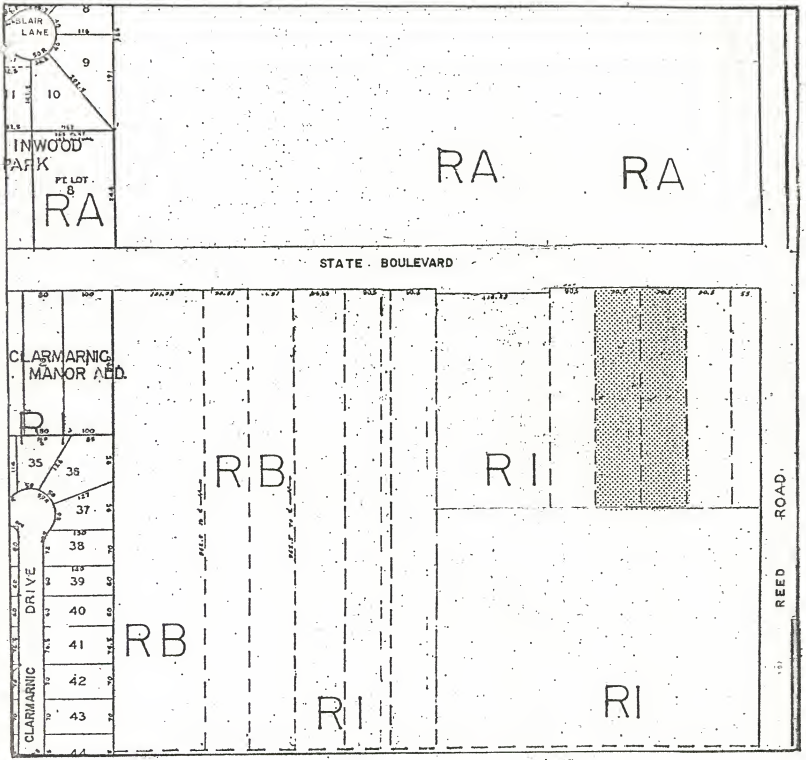
Address

Fifty and no/100 Dollars $50.00

For Beginning from R-1 to an R-3 at 4628 E. State (1)

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT	50	00	CASH		
AMT. PAID	50	00	CHECK #	1707	
BALANCE DUE	—		MONEY ORDER		

By KS



REZONE FROM RI TO R3

MAP NO. S-14

Z-78-05-10

N

PETITION FOR ZONING ORDINANCE AMENDMENT Receipt No. _____

Date Filed _____

Intended Use _____

I/We Bruce A. Patterson and John C. Bollinger
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from a/an R 1 District to a/an R 3 District the property described as follows:

~~The west 90.5 feet of the east 366.5 feet of the north 485 feet as well as the west 90.5 feet of the east 276 feet of the north 485 feet all in the northeast ¼, southeast ¼ of Section 32.~~

See attached for correct legal.

(Legal Description) If additional space is needed, use reverse side.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

Wayne Brockman	4628 East State St. 46815	
(Name)	(Address & Zip Code)	(Signature)

(If additional space is needed, use reverse side)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for continuances or requests that ordinances be taken under advisement shall be filed, in writing, in the office of Community Development and Planning, by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for the meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance. (FILING FEE: $50.00)

Name and address of the preparer, attorney or agent.

Bruce A. Patterson	2250 Lake Ave. Suite 205 46805	743-4695
(Name)	(Address & Zip code)	(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning and Zoning (CITY PLAN COMMISSION) / Room # 830, City-County Building, One Main Street / Fort Wayne, Indiana 46802 (Phone: 423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoning

Owners of Property

(Name)	(Address & Zip Code)	(Signature)

INSTRUMENT, FILLING IN BL SPACES, STRIKING OUT PROVISIONS AND INSERTION OF SPECIAL CLAUSES STITUTES THE PRACTICE OF LAW AND SHOULD BE DONE LAWYER.

WARRANTY DEED

4628 E. State Blvd.

This indenture witnesseth that CAROL E. HEYN SHACKELFORD, over the age of twenty-one years,

75-0032-0015

of Allen *County in the State of* Indiana

Conveys and warrants to WAYNE . BROCKMAN

of Allen *County in the State of* Indiana

for and in consideration of Twenty-five thousand ($25,000.00) Dollars *the receipt whereof is hereby acknowledged, the following Real Estate in* Allen *County in the State of Indiana, to wit:*

One acre of land in the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows: Beginning at a point on the North line of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, the said point being situated 276 feet West of the Northeast corner of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West, a distance of 485.1 feet; thence West, a distance of 90.55 feet thence North 10 minutes East, a distance of 485.1 feet to the North line of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East half of the Southeast quarter of Section 32, Township 31 North, Range 13 East, a distance of 90.5 feet to the point of beginning, containing one acre of land, more or less, known as 4628 E. State Blvd., Fort Wayne, Indiana.

Subject to taxes payable in May of 1971 and thereafter.

Subject to all visible easements and recorded easements and restrictions and zoning provisions of the City of Fort Wayne.

State of Indiana, Allen **County, ss:**

Before me, the undersigned, a Notary Public in and for said County and State, this 2nd *day of* June 19 70 *personally appeared:*

Carol E. Heyn Shackelford, over the age of twenty-one years,

REAL ESTATE TRANSFER
VALUATION AFFIDAVIT FILED
Walter A. Summers
AUDITOR, ALLEN COUNTY

And acknowledged the execution of the foregoing deed. In witness whereof, I have hereunto subscribed my name and affixed my official seal. My commission expires ____ 19__

Notary Public

Dated this 2nd **Day of** June 19 70

Carol E. Heyn Shackelford *Seal*

Seal

DULY ENTERED FOR TAXATION *Seal*

JUN - 4 1970 *Seal*

Walter A. Summers *Seal*
AUDITOR OF ALLEN COUNTY

Seal

Instrument D 2076

This instrument was prepared by JOHN E. HOFFMAN *Member of* Allen County *Indiana Bar Association*

MAIL TO: Ft. Wayne Federal Savings & Loan Association

COPYRIGHT ALLEN COUNTY INDIANA BAR ASSOCIATION, 1957
Craft-Line Printing, Inc., Fort Wayne, Indiana

for and in consideration of the sum of $5,000.00, conveys to Wayne Brockman of Allen County, Indiana, the real estate described as follows, to-wit:

1.00 acre of land in the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, described as follows, to-wit:

Beginning at a point on the North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, the said point being situated 185.5 feet West of the Northeast corner of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence South 10 minutes West a distance of 485.1 feet; thence West a distance of 90.5 feet; thence North 10 minutes East a distance of 485.1 feet to the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East; thence East along the said North line of the East Half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East a distance of 90.5 feet to the place of beginning.

Subject to the taxes upon said real estate payable in the year 1973, to all subsequent taxes, and to all restrictions, limitations and easements of record.

DULY ENTERED FOR TAXATION
APR - 3 1973
Dorothy E Raver
AUDITOR OF ALLEN COUNTY

Dated this 25th day of October, 1972.

Frank L. Gresock
Judge of Allen Superior Court

Arthur C. Bobay
(Arthur C. Bobay) as Executor of the Last Will and Testament of Emmet J. Bobay, Deceased

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

Before me, a Notary Public in and for said County and State, this 25th day of October, 1972, personally appeared Arthur C. Bobay, as Executor of the Last Will and Testament of Emmet J. Bobay, Deceased, and acknowledged the execution of the aforegoing Executor's Deed for the uses and purposes therein set forth.

Witness my hand and Notarial Seal.

My Commission Expires:
January 7, 1976

Barbara S. Richardson
(Barbara S. Richardson) Notary Public

This instrument was prepared by George Kowalczyk, Attorney-at-law, 221 West Wayne Street, Fort Wayne, Indiana.

Ft Wa Fed

Instrument G 901

HIGGINS, SWIFT & WEINRAUB
A PROFESSIONAL CORPORATION
ATTORNEYS & COUNSELORS AT LAW
590 LINCOLN TOWER
FORT WAYNE, INDIANA 46802

WILLIAM D. SWIFT
CHARLES J. WEINRAUB
W. MICHAEL HORTON
GEORGE N. BEWLEY, JR.
CRAIG R. FINLAYSON

FRANK A. HIGGINS (1976)

TELEPHONE
219 - 423-4422

June 30, 1978

Mr. Gary F. Baeten
Community Development & Planning
9th Floor, City-County Building
One Main Street
Fort Wayne, IN 46802

Re: Bill No. Z-78-05-10
Applicant: Bruce Patterson

Dear Gary:

Bruce Patterson has retained me to represent him in the matter of the re-zoning of his property on East State Blvd. Please withdraw from consideration Bill No. Z-78-05-10 in view of the fact that we intend to submit a new application that includes adjoining parcels.

Yours very truly,

William D. Swift
WDS/clg

cc: Bruce Patterson

4033 Regulation

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE Approximately 2 acres of land located 185 feet Southwest of the intersection of State Blvd., and Reed Road.

EFFECT OF PASSAGE Property is now an "R1" District - One Family Residential. Property will become an "R3" District - Multiple Family Residential.

EFFECT OF NON-PASSAGE Property will remain "R1" - One Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____